

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MERLIN COLLINS, #184636,

:

Plaintiff,

:

vs.

:

CIVIL ACTION 05-0487-CG-C

**ALABAMA DEPARTMENT OF
CORRECTIONS MEDICAL HEALTH
CARE, et al.,**

:

:

Defendants.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and no objection having been raised to the Report and Recommendation by the plaintiff, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation recommending the dismissal of this action, this Order adopting the Report and Recommendation, and the Judgment dismissing this action.

DONE and ORDERED this 26th day of September, 2007.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE